

MINUTES
TOWN OF FREDERICK
PLANNING COMMISSION
Frederick Town Hall
April 21, 009
7:30 p.m.

Attendance: Chairman Jeff Roehrig, Commissioners Donna Hudziak, Donald Hard, Alan Blair and John Loveless were present. Also present were Planning Director Jennifer Simmons and Town Attorney, Cyril Vidergar.

ROLL CALL: Chairman Roehrig called the regular meeting to order at 7:30p.m. Roll call was taken; all commissioners were present.

ADDITIONS TO THE AGENDA: There were no additions to the agenda.

APPROVAL OF MINUTES FROM THE FEBRUARY 17, 2008 MEETING:

Commissioner Blair made a motion to approve the minutes from the April 7, 2009 meeting as amended. Commissioner Loveless seconded the motion. All in favor, motion carried.

Commissioner Hudziak was excused from the meeting to attend another meeting at 7:31PM. She will be called back in for the vote.

REVIEW OF AMENDMENTS TO ARTICLE 8, FLOODPLAIN AREAS:

Planner Jennifer Simmons presented the staff report by stating that in accordance with the general updates to the Land Use Code and recommendations from the Federal Emergency Management Agency (FEMA), Article 8 has been amended for your consideration.

The Town of Frederick is a participant in the National Flood Insurance Program (NFIP). Periodically staff with the Colorado Water Conservation Board, who help administer this program for FEMA, requests that the Town update its codes and regulations regarding floodplain development. The proposed changes would update the Town's floodplain administration policy to be current and compliant with FEMA requirements.

Certain areas of Frederick have historically been located in a FEMA designated 100-year floodplain. Old Town Frederick was in a floodplain until May 26th, 2005. After the construction of the Tri-Area Regional detention pond at Centennial Park, the old town area was no longer in a 100-year floodplain. Following the construction of the regional pond, there are only a small number of areas remaining with flooding risks. These areas include the Boulder Creek and Idaho Creek drainage way along the west edge of the Town's planning area, the Godding Hollow drainage way, which is between and parallel to I-25 and Silver Birch Boulevard, and a small part of the northern reaches of the Tri-Town drainage way. Although it is uncommon for a property owner to propose construction in a floodplain, such requests do occur, and the Town must have a policy for efficiently handling such requests.

The policy and procedure for handling requests for building permits in the floodplain must, generally stated, ensure that life and property are reasonably safe from flooding. As long as the Town takes proactive measures to adhere to this requirement, then the Town will be in compliance with FEMA's rules for participants in the National Flood Insurance Program.

The proposed amendments will update the Town's floodplain ordinance based on recommendations from the Colorado Water Conservation Board and FEMA. The language of the Land Use Code is being updated to increase clarity and to implement additional floodplain requirements and language that will make Frederick's floodplain ordinance adhere to a higher standard than FEMA's minimum standards. Consequently, it may be possible for purchasers of flood insurance within Frederick to obtain lower flood insurance premiums.

In addition to cleaning up the language of the Code to make it more understandable, there are some specific provisions that the proposed amendments will improve over the current Code. One such provision that will be improved is that of Compensatory Storage. Compensatory Storage is the idea that if some portion of a floodplain is filled to raise the ground level above the flood elevation, then some other portion of the flood plain must be lowered to ensure that the base flood elevation does not increase as a result of placement of the fill.

Another provision that will be improved is that of Repetitive Damage. FEMA's flood insurance provides that up to \$30,000 of additional flood insurance coverage can be obtained towards elevating, flood proofing, demolishing or relocating a structure that has been substantially damaged or repetitively damaged. However, this additional coverage is only available to a repetitively damaged structure within a community that has adopted a definition in its local ordinance that adheres to the language required by FEMA's Increased Cost of Compliance definition. The proposed amendments include such language in the definition of "Substantial Damage."

A third change is the addition of the definitions of Substantial Improvement and Cumulative Substantial Improvement. The purpose of these definitions is to have a provision by which incremental improvements to a property, each of which does not qualify a property owner for lowered flood insurance premiums, could, when taken together as an aggregation of incremental improvements, qualify a property owner for lowered insurance premiums.

A fourth definition that has been added is that of Critical Facilities. The purpose of this definition is to ensure hazardous chemicals are not stored in floodplains and that facilities that provide essential public services, such as hospitals, police stations, and fire stations, are not built in a floodplain. In addition to the inclusion of these definitions in the proposed amendments, the new language also requires that structures be raised or flood proofed to at least two feet above the base flood elevation; this minimum amount of two feet is based on recommendations from FEMA staff and will help to decrease flood insurance premiums.

The small improvements to the Town's existing floodplain regulations that are described above will either directly reduce flood insurance premiums or will indirectly reduce premiums through the Community Rating System (CRS). The CRS is a FEMA program that provides discounts for communities that take measures that are beyond the minimum requirements of the NFIP.

Planning Commission can choose to recommend approval, denial, or approval with conditions of the proposed amendments to Article 8.

Staff requests that the Commission consider recommending approval of PCR-2009-04A recommending approval of the amendments to the Board of Trustees.

There were no questions and no discussion.

Commissioner Blair made a motion to recommend approval of PCR-2009-04A, "A Resolution of the Planning Commission Recommending Approval of an Amendment to Article 8 of the Land Use Code Regarding Floodplain Areas". Commissioner Hard seconded the motion.

Commissioner Hudziak came back to the meeting at 7:35PM for the vote. All in favor, motion carried.

UPCOMING MEETINGS:

Planner Simmons stated that there will be Planning Commission meetings on May 5th and May 19th. Commissioner Hudziak was excused from the meeting again at 7:36PM.

With no further business to discuss, the meeting was adjourned at 7:36PM.

Jeff Roehrig, Planning Commission Chairman

Kathy Larson, Secretary

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